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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,194	11/03/2000	Danamichele Brennen O'Brien	60655.3500	5463

66170	7590	11/05/2008
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EXAMINER	
PANNALA, SATHYANARAYA R	

ART UNIT	PAPER NUMBER
2164	

NOTIFICATION DATE	DELIVERY MODE
11/05/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 09/706,194	Applicant(s) O'BRIEN, DANAMICHELE BRENNEN	
	Examiner Sathyanarayan Pannala	Art Unit 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-123, 158 and 159 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-123, 158 and 159 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's Amendment filed on 11/7/2006 has been entered with amended claims 1-123 and 158-159, as the Amendment after non-Final rejection of claims. In this **non-final Office Action**, claims 1-123 and 158-159 are pending.

Specification

2. The abstract of the disclosure is objected to because amendment filed on 11/7/2006 is not properly amended. Because the deleted parts should have been enclosed in brackets. Correction is required. See MPEP § 608.01(b).

Oath/Declaration

3. In accordance with 37 CFR 1.175(b)(1), a supplemental reissue oath/declaration under 37 CFR 1.175(b)(1) must be received before this reissue application can be allowed.

Claims 1-123, and 158-159 are rejected as being based upon a defective reissue Oath/Declaration under 35 U.S.C. 251. See 37 CFR 1.175. The nature of the defect is set forth is as follows:

The oath/declaration was submitted on 5/18/2006. The claims were amended after this submission (see amendment, dated 8/14/2006).

Receipt of an appropriate supplemental oath/declaration under 37 CFR 1.175(b)(1) will overcome this rejection under 35 U.S.C. 251. An example of acceptable language to be used in the supplemental oath/declaration is as follows:

"Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant."

See MPEP § 1414.01.

Claim Rejections - 35 USC § 251

4. Claims 71-123 are rejected under 35 U.S.C. 251 as being an improper recapture of broadened claimed subject matter surrendered in the application for the patent upon which the present reissue is based. See *Pannu v. Storz Instruments Inc.*, 258 F.3d 1366, 59 USPQ2d 1597 (Fed. Cir. 2001); *Hester Industries, Inc. v. Stein, Inc.*, 142 F.3d 1472, 46 USPQ2d 1641 (Fed. Cir. 1998); *In re Clement*, 131 F.3d 1464, 45 USPQ2d 1161 (Fed. Cir. 1997); *Ball Corp. v. United States*, 729 F.2d 1429, 1436, 221 USPQ 289, 295 (Fed. Cir. 1984). A broadening aspect is present in the reissue which was not present in the application for patent. The record of the application for the patent shows that the broadening aspect (in the reissue) relates to claim subject matter that applicant previously surrendered during the prosecution of the application. Accordingly, the narrow scope of the claims in the patent was not an error within the meaning of 35

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U.S.C. 251, and the broader scope of claim subject matter surrendered in the application for the patent cannot be recaptured by the filing of the present reissue application.

Applicant deleted, removed or omitted the limitation while broadening claim 71 and limitation is "applying the solution as the travel scheme for minimizing travel costs by purchasing travel trips in accordance with the solution." It is considered as surrendered subject matter for the original patent is recaptured by filing the present reissue application without this limitation. Claims 72-123 are dependent on the independent claim 71 and they are also rejected under the same rationale as claim 71.

Claims 1-123 and 158-159 are rejected for not following the procedures of amending claims during the period of prosecution of this Reissue Application.

The details are as follows:

5. Preliminary amendment filed on 11/3/2000, which added new claims 71-167. Applicant did not provide the explanation for support in the specification for the new claims.

6. Preliminary Amendment filed on 7/16/2001, in which amended claims 124, 141, 160, 163-166 and added new claims 168-172. In this amendment, Applicant did not underline the subject matter of newly added claims and did not provide the explanation for support in the specification for the amended and new claims.

7. Amendment filed on 11/18/2004, in which amended claims 124-125, 131, 141-142, 148,160, and 166-170. In this amendment, Applicant did not underline the subject matter of amended claims and did not provide the explanation for support in the specification for the amended claims. Applicant listed claims 71-172 as "original" even though they were amended with respect to previous amendment. Applicant should have listed as "currently amended".

8. Amendment filed on 7/19/2005, in which cancelled claims 124-157 and 160- 172. Applicant did not underline the remaining claims 71-123 and 158-159 and left the status as "original" instead of changing the status to "previously presented". These claims were not underlined.

9. Amendment filed on 5/18/2006, in which claims were listed in the same manner as the earlier amendment dated 7/19/2005.

10. Amendment filed on 8/14/2006, in which amended claims 1, 18, 35, and 53 improperly, instead of including the deleted part within brackets. The claims 71-123, 158-159 were listed in the same manner as the old amendment dated 7/19/2005.

11. Amendment filed on 11/7/2006, in which the claims 71-123, 158-159 were listed in the same manner as the old amendment dated 7/19/2005.

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12. Applicant is requested to follow steps 4 through 10 to make necessary correction.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sathyanarayan Pannala/
Primary Examiner

srp
October 31, 2008